

REMARKS**Summary of the Office Action**

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weale (U.S. Patent No. 6,049,470) (hereinafter "Weale") in view of Yamada et al. (U.S. Patent No. 6,768,516) (hereinafter "Yamada").

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Weale, Yamada, and in further view of Throngnumchai et al. (U.S. Patent No. 5,705,807) (hereinafter "Throngnumchai").

Summary of the Response to the Office Action

Applicants have amended independent claims 1 and 2 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-2 and 4-5 remain currently pending and under consideration.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weale in view of Yamada. Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Weale, Yamada, and in further view of Throngnumchai. Applicants have amended independent claims 1 and 2 to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, the rejections are respectfully traversed for at least the following reasons.

Applicants respectfully submit that Yamada does not disclose, or even suggest, “the signal processing circuit ... is positioned alongside the solid-state imaging element when viewed from a direction perpendicular to the planar portion at which the solid-state imaging element is positioned” and “the load resistor and the output terminal of the solid-state imaging element are ... directly connected via the bonding wire” as specifically described in newly-amended independent claim 1 of the instant application.

Applicants respectfully submit that Yamada discloses that the signal processing circuit and the solid-state imaging element are arranged one above the other. However, Applicants respectfully submit that Yamada does not disclose that the signal processing circuit and the solid-state imaging element are directly connected via the bonding wire. Therefore, Applicants believe that it is impossible to directly connect the signal processing circuit and the solid-state imaging element, arranged one above the other, to each other via the bonding wire.

Independent claim 2 has been newly-amended to include similar features as discussed above with regard to newly-amended independent claim 1 of the instant application. Accordingly, similar remarks, as set forth above with regard to newly-amended independent claim 1 of the instant application, also apply to newly-amended independent claim 2 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Weale and Yamada, whether taken separately or combined, do not teach or suggest each feature of newly-amended independent claims 1 or 2 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”

Since the prior art does not disclose or suggest any of the combinations recited in Applicants' claims, and if anything appears to teach away from the current claim recitations, KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), 82 USPQ2d 1385, 1395 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims 4-5 are allowable at least because of their dependence from independent claim 1 or 2, and the reasons discussed previously. Also, the additionally-applied reference to Throngnumchai, with regard to dependent claim 4, does not cure the deficiencies discussed previously with regard to Weale and Yamada.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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